

ROCK CREEK CANYON
SPECIFIC PLAN AND FINAL EIR
State Clearinghouse #2008072076

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**ROCK CREEK CANYON
SPECIFIC PLAN AND FINAL PROGRAM EIR**



**SECTION 1
INTRODUCTION AND SUMMARY**

State Clearinghouse #2008072076

INTRODUCTION

In keeping with the California Environmental Quality Act (CEQA), the administrative record for this Specific Plan and Final Environmental Impact Report (FEIR) for the proposed Rock Creek Canyon project consists of the following elements:

- The Specific Plan and Draft EIR
- Written comments received on the Specific Plan and Draft EIR,
- Responses to the comments received,
- The Final EIR Mitigation Monitoring and Reporting Program, and
- A Notice of Determination

The Draft EIR was distributed on 25 May 2010 for review by various agencies, groups and the general public. By the close of the Draft EIR review period, which ended on 15 July 2010 but was extended to the end of July for local residents, formal comment letters had been received from seventeen reviewing agencies and entities. Table 1 below provides a summary overview of the written comments received.

**Table 1
SUMMARY OF WRITTEN COMMENTS
ON THE ROCK CREEK CANYON DRAFT EIR**

NO.	SOURCE	SUMMARY OF POINTS RAISED IN COMMENT LETTER
1	Jeff Vaughan Swall Meadows Resident	<ul style="list-style-type: none">■ Opposes nonconforming uses on the site, particularly the proposed restaurant remodel as a private residence.■ The value of the remainder parcel as open space is compromised by the presence of water company facilities on this site.■ Suggests that Lot 8 be dedicated for public use with a pedestrian bridge connecting trailhead parking to the trail.
2	Jim Hess Swall Meadows Resident	<ul style="list-style-type: none">■ Opposes nonconforming uses on the site.■ Opposes the loss of public access to swimming and fishing on the site.
3	Donalda Day Swall Meadows Resident	<ul style="list-style-type: none">■ Requested information as to sections of the EIR that address proposed nonconforming uses.
4	Los Angeles Department of Water and Power	<ul style="list-style-type: none">■ Notes LADWP concerns about plans for flood control.■ Recommends consultation with Mono Co. Public Works Dept. and a qualified geologist or structural engineer prior to development in the flood plain.
5	Lahontan Regional Water Quality Control Board	<ul style="list-style-type: none">■ Provides a complete list of potential permit requirements.■ Notes recent updates to the <i>Water Quality Control Plan for Lahontan Region</i> (also known as the <i>Basin Plan</i>) and requests that the new data be incorporated into the EIR.■ Requests assessment of impacts to surface waters with alternatives and mitigation (including BMPs) to minimize or avoid impacts where feasible.■ Requests that the EIR provide on-site and off-site post-construction 'Low Impact Development' measures to reduce watershed impacts.

		<ul style="list-style-type: none"> Requests that EIR identify responsibility for implementing BMPs and maintenance of storm drain facilities. Provide an assessment demonstrating that the proposed septic facilities will comply with <i>Basin Plan</i> requirements and protect groundwater quality. Notes that discharge to septic tanks of materials other than domestic wastewater is prohibited unless a report of waste discharge is filed. Notes that the <i>Basin Plan</i> prohibits septic systems in this hydrologic unit unless an exemption is approved by the regional board, including information in this EIR that would support approval of the exemption.
6	Al and Patti Heinrich June Lake Residents	<ul style="list-style-type: none"> Recommends that the site be preserved intact as an historical resource. Raises concerns about project impacts on the mule deer population and migration route.
7	Gary and Pat Gunsolley Paradise Estates Residents	<ul style="list-style-type: none"> Notes hazards at the project access points on Lower Rock Creek Road due to limited line of sight visibility and inability of the County Road Dept. to remove all ice during winter; recommends that a new access to Lots 1-6 be provided farther south on Lower Rock Creek Road. Opposes any allowed equestrian uses on lots 1-6 due to odor and vector impacts on surrounding homes and reduced property values. Concerned about traffic and population impacts on the Deer Herd. Opposes any County involvement in a bathroom at the trailhead parking area due to cost of construction and maintenance. Seeks clarification as to County and HOA snow removal responsibilities. Requests preservation of public access to Lower Rock Creek for fishing.
8	Bernard and Eugenia Bernacchi	<ul style="list-style-type: none"> Note their understanding from the Scoping Meeting that there would be no equestrian facilities; oppose any equestrian use on the site. Indicate that equestrian uses would divide the existing community due to odors and aesthetic impacts. Request that equestrian uses not be allowed within the project.
9	California Department of Fish and Game (DFG)	<ul style="list-style-type: none"> Notes that Exhibit 3-6 does not depict the setbacks for Lots 1-6 as stated in the DEIR and requests correct reference. Notes that tree trimming for roadway visibility should be prohibited during the bird nesting season (March 15 through September 15) each year. If construction will occur during the nesting season, recommends that a qualified biologist be retained to assess bird nesting habitat. If protected species are observed, construction should be postponed until the nesting season ends. Notes that the HOA will be required to obtain a 1600 Streambed Alteration Agreement if, during landscape maintenance activities, any work will occur within the water birch riparian community or stream. Notes 3 of the Specific Plan Creek Protection Standards would also required a 1600 Streambed Alteration Agreement prior to implementation. Notes requirement that trash receptacles be kept inside a gated, bear-proof enclosure; recommends similar trash provisions during construction. Regarding provisions for <i>Muilla coronata</i>, asks whether setbacks for Lots 1-6 will serve as building envelopes; recommends a test site to verify that relocation of this population will succeed in the proposed replanting areas. Acknowledges DEIR finding that impacts on deer will be significant and unavoidable; notes that over 2,000 acres of deer habitat are proposed for development in the project vicinity. Suggests that impacts to deer habitat are not unavoidable, and recommends that off-site mitigation for deer habitat impacts be considered at another location owned by the project applicant. Requests that the DEIR examine the relationship between deer populations and their primary predator the mountain lion, as well as project impacts on mountain lion populations. DEIR should also examine

		<p>the project-related potential for increased interactions between humans and mountain lions.</p> <ul style="list-style-type: none"> Requests that the EIR examine impacts to the natural movement corridor exists along the north-south riparian zone of Rock Creek. Disagrees with DEIR citation of the project as environmentally superior, and recommends that the 'no project' alternative be adopted.
10	Leroy Johnson Paradise Resident	<ul style="list-style-type: none"> Indicates that trees identified as Jeffrey pines are actually ponderosa pines.
11	Joanne Schneider Paradise Homeowner	<ul style="list-style-type: none"> Recommends that equestrian facilities not be permitted on this site due to the narrow footprint, proximity to the creek, and potential for odors/vectors and adverse water quality impacts.
12	Inyo County	<ul style="list-style-type: none"> Acknowledges receipt of Draft EIR. Notes conclusions regarding unavoidable effects. Notes that circulation impacts would be less than significant with mitigation.
13	Donna Mason, Former Owner of Paradise Lodge, Round Valley Resident	<ul style="list-style-type: none"> Recommends that Paradise Lodge remain a fish camp. Asks how the project will impact wildlife migration. Indicates that original photos are available if the site is preserved as an historical landmark.
14	Jon McConachie Paradise Resident	<ul style="list-style-type: none"> Concerned about the impact of equestrian use on Lower Rock Creek water quality as well as other noise, dust, odors and impacts on area residents; recommends equestrian uses not be permitted. Recommends that wind systems not be allowed due to impacts on wildlife, aesthetics and area prohibitions on this use. Opposed to secondary units larger than allowed by County code. Recommends that the drainage ditch on the west side of Lots 1-6 be used to capture runoff and minimize erosion.
15	Jay and Allison Jensen Swall Meadows Residents	<ul style="list-style-type: none"> Opposed to the loss of public access to Lower Rock Creek on this site. Concerned about impacts on zoning (density & secondary units), wildlife (deer herd & plantlife), flooding, wildfire risk, nonconforming uses, visual impacts on tourism, and historical uses and structures. Opposed to nonconforming use of the streamside cabins.
16	John and Jennifer Montin Swall Meadows Residents	<ul style="list-style-type: none"> Opposed to project due to impacts on deer migration, loss of riparian habitat, encroachment on water supply, impacts to fire department, road congestion and restricted public access to the creek, hiking and biking. Object to County approval of a private residence on the site.
17	Gail Hays Paradise Resident	<ul style="list-style-type: none"> Considers the assessment of impacts on bighorn sheep to be inadequate. Considers the assessment of impacts on the Round Valley Mule Deer herd to be inadequate. Indicates that the project will cause dangerous congestion, and suggests that the southern entry be relocated. Opposed to any allowed equestrian use of the site. Indicates that the cultural assessment overlooked consideration of an historic Round Valley irrigation canal and recommends preservation.
18	Liz O'Sullivan Paradise Resident	<ul style="list-style-type: none"> Considers the assessment of impacts on bighorn sheep to be inadequate. Considers the assessment of impacts on the Round Valley Mule Deer herd to be inadequate. Indicates that the project impacts on Lower Rock Creek Road congestion require further mitigation. Opposed to any allowed equestrian use of the site. Indicates that the cultural assessment overlooked consideration of an historic Round Valley irrigation canal and recommends preservation. Objects to lack of pedestrian-friendly creek access for local residents Concerned about air quality impact of recreational fire rings.

NEW INFORMATION ADDED SINCE THE DRAFT EIR WAS RELEASED AND CHANGES OR MODIFICATIONS RESULTING FROM AGENCY AND PUBLIC REVIEW

New information has been added and changes have been made to the environmental document and to the Specific Plan since the Draft EIR was released for public review on 25 May 2010. The changes and new information are described in the sections below.

ONE OF THE UNRESOLVED ISSUES HAS BEEN RESOLVED

Four issues remained unresolved when the draft EIR was released for public review on May 25, 2010:

1. **HISTORIC PRESERVATION:** whether arrangements could be made for preservation of three of the historic fishing cabins as outlined in Mitigation Measure 5.5-2a, and for creation of an interpretive center on the trailhead parking lot as outlined in Mitigation Measure 5.5-2b),
2. **WORKFORCE HOUSING:** whether the Board of Supervisors would approve one of the applicant's preferred Housing Ordinance compliance options (Options B and C) in lieu of the proposed Option A, which complies fully with requirements of the ordinance;
3. **OPEN SPACE PARCEL:** whether a public agency would take possession of the remainder parcel as offered by the project applicant; and
4. **ROAD DEDICATION:** whether the county would abandon and prohibit all parking within a 10-foot wide section of the Lower Rock Creek Road right-of-way, and accept the applicant's offer to dedicate a new Lot A to the County to provide public parking and access to the Lower Rock Creek trailhead.

The first of these issues has now been resolved. In compliance with the requirements of Mitigation Measure 5.5-2a, three of the historic fishing cabins that were located on the south parcel of Rock Creek Canyon have been relocated to Parchers Resort, an historic fishing and recreational resort in its own right. Located outside of Bishop, the resort has provided correspondence (see Attachment A) that verifies the relocation and affirms their intent to maintain the units and keep them as original as possible, with a plaque on each unit that describes its history. Additionally, an interpretive center will be created on the trailhead parking lot in the manner outlined by Mitigation Measure 5.5-2b, and it is anticipated that the interpretive center plan will be developed by the archaeologist who prepared the cultural resource survey and report for the Draft EIR. As a result of this new information, all potential project impacts on cultural resources have been reduced to less than significant levels.

Unresolved issues remain as noted above with respect to workforce housing, ownership of the open space parcel, and dedication of a section of the Lower Rock Creek Road right-of-way.

THE SPECIFIC PLAN HAS BEEN MODIFIED

As a result of comments received on the Draft EIR and Specific Plan the Rock Creek Canyon Specific Plan has been modified. The changes are summarized below, and the modified Specific Plan (showing all revisions in 'Track C' changes' formatting) is provided as §5 of this Final EIR.

1. **EQUESTRIAN USES HAVE BEEN DELETED FROM THE SPECIFIC PLAN.** A number of the comment letters expressed concerns about provisions of the Specific Plan that would allow equestrian uses on lots 1-6 (see Comment Letters #7, #8, #11, #14 and #17). All of the comment letters that addressed this issue were opposed to equestrian facilities and horses on lots 1-6, and there were no comment letters indicating support for this project element. In light of the Draft EIR comment letters, the applicant has asked that this provision be withdrawn, and the Specific Plan has been revised accordingly (please see the amended Specific Plan provided as §5 of this Final EIR).
2. **PROVISIONS FOR LANDSCAPE CLEARANCE AND ENFORCEMENT (§3.6.5.1) HAVE BEEN CLARIFIED.** In response to comments from the California Department of Fish and Game (DFG), the Specific Plan provisions in §3.6.5.1 governing Residential Landscaping and Screening have been modified to state that landscape clearance must occur outside of the bird nesting season, and HOA enforcement of landscape mitigation measures must include compliance with all applicable DFG permitting, notification and resource protection requirements.

3. **PROVISIONS FOR CREEK PROTECTION STANDARDS (§3.6.7) HAVE BEEN CLARIFIED.** In response to comments from the California Department of Fish and Game (DFG), the Specific Plan provisions in §3.6.7 governing Creek Protection Standards have been modified to state that creek protection activities must comply with all applicable DFG permitting, notification and resource protection requirements.
4. **THE SPECIFIC PLAN (TABLE 3-3) AND DEIR (TABLE 5.6-1) HAVE BEEN AMENDED TO STATE THAT PRIVATE WIND SYSTEMS WILL NOT BE ALLOWED WITHIN ROCK CREEK CANYON.** This clarifies that private solar systems will be permitted but private wind systems will not be permitted within the project site.
5. **SPECIFIC PLAN PROVISIONS FOR SNOW REMOVAL HAVE BEEN CLARIFIED.** In response to comments from Gary and Pat Gunsolley, §3.6.8.1(a)(x) has been modified to delete reference to 'County-owned snow vehicles.' The purpose of this change is to affirm that snow removal will be the sole responsibility of the HOA, with no County assistance. The revised section now reads as shown:
 - "x. *No motorized vehicles shall be allowed on the interior private roads except for vehicles owned by residents, PFPD, Mono County, LRCMWC, BLM and other agencies and utilities serving the site and surrounding public lands.*"
6. **A CONSERVATION EASEMENT HAS BEEN ADDED.** In response to comments from Gail Hays concerning the historic Round Valley irrigation canal, a conservation easement has been incorporated into §3.6.6 of the Specific Plan (Open Space Development Standards). The revised text is contained in item (f) as shown below:

"3.6.6 OPEN SPACE DEVELOPMENT STANDARDS

- a. **Trail Access:** *To facilitate public use of Lower Rock Creek Trail, a permanent trailhead access easement shall be provided. The private access route for Lots 8-12 shall serve as the trailhead access easement, linking the dedicated trailhead parking lot with the BLM lands to the north. The road will be paved and maintained only to the end of the cul-de-sac.*
 - b. **Trailhead Parking and Signage:** *In addition to the paved public trail access road, a public parking area shall be provided on Lot A, located directly west of Lot 8. This public parking area will be offered for dedication to the County but maintained by the HOA for use by trail users, project residents who participate in ride-share programs, and public agencies taking access to area facilities. Trail access signage shall be provided. Access to Lot 7 shall be taken from the north end of this trailhead parking lot.*
 - c. **Parking Restrictions:** *Because Lower Rock Creek Road has limited line-of-sight in the project area, 'no parking' signs will be posted along the remaining road right-of-way that adjoins the project boundaries (see Specific Plan §3.6.8.1(b) for additional discussion of these restrictions).*
 - d. **Creek Access:** *Lower Rock Creek has not been adjudicated to be a navigable waterway and, until it is so adjudicated, public in-stream navigation and related incidental uses shall not be permitted by the landowner. If Lower Rock Creek is found to be a navigable waterway, public in-stream navigation shall be permitted, up to the high water mark of the river, in accordance with applicable state and federal laws.*
 - e. **Motorized Vehicles:** *Apart from vehicles owned by project residents and vehicles used by authorized public agencies, no motorized vehicles or parking shall be permitted on private roads within Rock Creek Canyon.*
 - f. **Historic Ditch Conservation Easement:** *A conservation easement shall be maintained in perpetuity along the alignment of the ditch located on the western hillslope above the Rock Creek Terrace and skirting the western edge of Lots 1, 2 and 3 of the Rock Creek Parcel Map. "*
7. **RECREATIONAL FIRE RING DETAILS HAVE BEEN ADDED.** In response to comments from Liz O'Sullivan concerning the potential air quality impacts associated with outdoor fire rings, the Specific Plan has been modified to include standards for the construction and use of these features. Specific Plan §3.6.5 (j) has been revised as shown:

"j. Recreational Amenities:

- i. *Recreational amenities including decks, arbors, gardens, BBQ facilities, athletic areas, game fields and other similar facilities shall be permitted within the building envelope for each lot, provided such amenities comply with applicable agency codes and regulations. Recreational amenities that do not involve impervious surfaces are also permitted within designated disturbance areas.*
- ii. *Fire rings shall be permitted as recreational amenities within the building envelope for each lot subject to provisions in this section. No fire ring may exceed an outside diameter of 6 feet. Only wood may be burned in the fire ring. The burning of plastic materials, garbage, green wastes, hazardous materials and any materials other than wood shall be prohibited. The fire ring must be made of solid construction materials. The fire ring must be separated by a minimum distance of 20-feet from combustible materials (including overhanging trees) and from the canyon walls of Lower Rock Creek."*

- 8. CREEK ACCESS HAS BEEN PROVIDED TO THE PUBLIC ON THE OPEN SPACE REMAINDER PARCEL, AND A PEDESTRIAN TRAIL HAS BEEN ADDED FOR PARADISE RESIDENTS.** Section 3.6.6 (d) of the Specific Plan has been modified to clarify that in-stream public navigation and related incidental uses will be permitted on the Open Space Remainder Parcel, as shown:

"3.6.6 OPEN SPACE DEVELOPMENT STANDARDS

- a. Trail Access:** *To facilitate public use of Lower Rock Creek Trail, a permanent trailhead access easement shall be provided. The private access route for Lots 8-12 shall serve as the trailhead access easement, linking the dedicated trailhead parking lot with the BLM lands to the north. The road will be paved and maintained only to the end of the cul-de-sac.*
- b. Trailhead Parking and Signage:** *In addition to the paved public trail access road, a public parking area shall be provided on Lot A, located directly west of Lot 8. This public parking area will be offered for dedication to the County but maintained by the HOA for use by trail users, project residents who participate in ride-share programs, and public agencies taking access to area facilities. Trail access signage shall be provided. Access to Lot 7 shall be taken from the north end of this trailhead parking lot.*
- c. Parking Restrictions:** *Because Lower Rock Creek Road has limited line-of-sight in the project area, 'no parking' signs will be posted along the remaining road right-of-way that adjoins the project boundaries (see Specific Plan §3.6.8.1(b) for additional discussion of these restrictions).*
- d. Creek Access:** *Lower Rock Creek has not been adjudicated to be a navigable waterway and, until it is so adjudicated, public in-stream navigation and related incidental uses shall not be permitted by the landowner except on the Open Space Remainder Parcel where public in-stream navigation and related incidental uses shall be allowed in perpetuity. If Lower Rock Creek is found to be a navigable waterway, public in-stream navigation shall be permitted throughout the project site, up to the high water mark of the river, in accordance with applicable state and federal laws."*

Additionally, in response to comments from Liz O'Sullivan, the Specific Plan has been modified to incorporate a pedestrian trail that will provide pedestrian access to Lower Rock Creek for residents of Paradise and future residents of the Rock Creek Ranch project. Specific Plan §3.6.6 has been revised to include a new subsection (g) as shown below:

- g. Pedestrian Trail:** *To provide pedestrian access to Lower Rock Creek for Paradise residents, a constructed trail shall be provided from Glenn Court down to Rock Creek at the 5.7-acre open space remainder parcel. The trail shall continue up to the Rock Creek Ranch project.*

NEW MITIGATION MEASURES HAVE BEEN ADDED AND EXISTING MEASURES HAVE BEEN MODIFIED

Seven new Mitigation Measures have been added and four of the original Mitigation Measures have been modified as a result of comments received on the Draft EIR and new information added since the Draft EIR was released. The changes are reflected below.

- 1. BOTANY:** Two of the mitigation measures for protection of botanical resources have been modified (BOT 5.3-1a and BOT 5.3-1b), and one mitigation measure (BOT 5.3-2d) has been replaced by the modified and expanded BOT 5.3-1b. The revised and deleted mitigation measures are presented below:

- MODIFIED MITIGATION BOT 5.3-1a (Avoidance of Water Birch Riparian Scrub):** Potential impacts to the 3.5 acres of state sensitive water birch riparian scrub community that occurs on the property have been reduced to less than significant levels through avoidance. The avoidance will be achieved through creation of a permanent 30-foot setback of all structures other than approved nonconforming uses from the bank of Lower Rock Creek, and through retention of the water birch community.. Pine trees will also be retained in their present location and condition to the maximum extent feasible, with full retention of all pines with a trunk diameter greater than 12 inches.
- MODIFIED MITIGATION MEASURE BOT 5.3-1b (Retention of Big Sagebrush Scrub where *Muilla coronata* occurs):** Disturbance to CNPS List 4 *Muilla coronata* will be limited to a maximum 50% of the area occupied by this species within the project area as mapped in 2008. The retention will be achieved through adherence to the disturbance areas defined on the Tentative Map, which will enforce total avoidance of one half the area occupied by the population, based upon results of the survey and mapping conducted by the project botanist. The spatial limits placed upon disturbance of the *Muilla coronata* population shall be incorporated into the project CC&Rs. Furthermore, topsoil that is disturbed by construction of project facilities causing conversion to impervious surfaces in any area occupied by *Muilla coronata* will be stockpiled for redistribution into sandy near-riparian soil outside the proposed building envelopes in lots 1-6. The upper 10 inches of soil in the entire area of disturbance will be stockpiled in a shaded area of Lot 1. Soil stockpiling shall be limited to a maximum 8 months. Redistribution will be based upon the results of a trial transplanting of hand-planted bulbs to be conducted in the spring of 2011. Details of soil stockpiling, trial transplanting, and final bulb relocation shall be prescribed in a vegetation mitigation and monitoring plan document. This document will be prepared by project botanist and approved by the Department of Fish and Game, Bishop Office prior to the initiation of stockpiling and no later than December 31, 2011. Monitoring elements included in this plan will include no less than two years of (post-relocation) annual *Muilla coronata* survivorship observation and reporting, annual reporting of non-native species occurrence and density, and annual reporting of native vegetation recovery in the relocation area. The plan will include mitigation goals and remediations to address monitoring results for survivorship, new non-native species introductions, and native vegetation recovery. The relocation area will be protected from disturbance through creation of an in perpetuity conservation easement and appropriate signage. Avoidance of the *Muilla coronata* plant community will be facilitated by the conservation easement that will be provided along the alignment of an historic ditch on the western boundary of the southern project parcel; the boundaries of this easement will be communicated to the biologist that performs the relocation test program and final transplanting of the relocated *Muilla coronata* plant community.

2. WILDLIFE: One of the mitigation measures for protection of wildlife resources has been modified, and two new mitigation measures have been added:

- MODIFIED MITIGATION MEASURE WILD 5.4-1b (Limits on Clearing of Vegetation).** Property owners shall refrain from clearing native vegetation except as necessary for construction, fire safety or traffic safety (also refer to Mitigation Measure TFFC 5.11-3e).
- NEW MITIGATION MEASURE WILD 5.4-3f (Construction during Nesting Season).** If construction is proposed to take place during the bird nesting and breeding season (March 15 through September 15), the responsible party (project proponent, lot owner or HOA) shall arrange for a qualified biologist to assess all potential bird nesting habitat within 3 days prior to project activities. If an active nest is located, construction within 300 feet of the nest (within 500 feet of raptor nests) shall be postponed until the young have fledged or the nest otherwise becomes inactive. If threatened or endangered species are observed in the area, no work shall occur during the nesting and breeding season to avoid take of listed species.
- NEW MITIGATION MEASURE WILD 5.4-3g (Trash Receptacles during Construction).** Waste disposal bins used to collect construction workers' wastes during project construction shall be provided with a gated and bear-proof enclosure if construction workers' waste may include any food remnants.

3. **CULTURAL RESOURCES:** One new mitigation measure has been added to note that a conservation easement shall be provided along the western edge of the southern parcel to protect the historic Round Valley irrigation canal:

MITIGATION CUL 5.5-3 (Conservation Easement): *The Tentative Parcel Map and Specific Plan shall incorporate a conservation easement along the full length of the Ditch 4 alignment within the project area.*

4. **TRAFFIC:** One of the mitigation measures for traffic safety has been modified, and four new mitigation measures have been added:

- ▮ **MODIFIED MITIGATION MEASURE 5.11-3a (Reduced Speed Limit).** *The existing W1-3 ('curve ahead') sign and W13-1 (20 MPH advisory speed) sign will be replaced with a new W13-1 (15 MPH advisory speed) sign for both traffic directions on Lower Rock Ck. Rd. to slow traffic approaching the roadway curves.*
- ▮ **NEW MITIGATION MEASURE 5.11-3e (Street Light).** *A street light shall be installed on the parking lot adjoining the lodge to improve nighttime visibility.*
- ▮ **NEW MITIGATION MEASURE 5.11-3f (Cross Road Signs).** *W2-1 (CROSS ROAD) signs shall be installed approximately 100 feet in advance of the project access entrances, for both traffic directions on Lower Rock Creek Road to indicate the presence of an intersection or access entrance and the possibility of turning or entering traffic. The "CROSS ROAD" warning signs shall be supplemented with solar energized yellow flashers to further alert motorists to the potential of traffic turning in and out of the project access entrances.*
- ▮ **NEW MITIGATION MEASURE 5.11-3g (Sign Materials).** *All reflective sign sheeting materials shall be 3M Company DG-3 High Intensity Grade and covered with anti-graffiti overlay film.*
- ▮ **NEW MITIGATION MEASURE 5.11-3h (Vegetation Clearance).** *The HOA shall ensure that tree branches and vegetation on each side of the project access points are trimmed or removed to optimize line-of-sight visibility for traffic approaching the roadway curves. Trimming and clearance activities shall be suspended during the bird nesting season each year (March 15 to September 15). This requirement has been incorporated into the Specific Plan (§3.6.5.1(e))*

SUMMARY OF SIGNIFICANT ADVERSE IMPACTS

Results of the analyses contained in this Draft EIR indicate that approval and implementation of the proposed Rock Creek Canyon project would have potentially significant and unavoidable adverse direct and cumulative environmental impacts on the following resources:

- Critical mule deer habitat (direct and cumulative)
- Mule deer movement along a regional migration corridor of which the project is a part (direct and cumulative)
- Visual resources within the community of Paradise (cumulative impact only)

Therefore, the County of Mono would be required by CEQA to adopt a Statement of Overriding Considerations in order to approve the proposed Rock Creek Canyon Specific Plan and Tentative Map project.

CLOSING DISCUSSION

Section 15088.5 of the CEQA Guidelines states that a lead agency is required to recirculate an EIR "when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement. "Significant new information" requiring recirculation would include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the provisions of CEQA §15088.5, none of the changes incorporated in response to comments on the Draft Program EIR, as summarized in this Final EIR Introduction, represents 'significant new information.' There are no new significant impacts, none of the previously identified impacts would be more significant than originally disclosed, and there are no mitigation measures that have been identified but rejected by the project applicant. As a result, there is no need to recirculate the Draft EIR or portions of the Draft EIR.

Furthermore, none of the comments received on the Draft EIR or responses thereto modify the conclusions contained in the Draft EIR. Project approval would require the Mono County Board of Supervisors to approve and implement a total of sixty mitigation measures as contained in this Final EIR (see Final EIR Section 3, Mitigation Monitoring and Reporting Program).

FINAL EIR CONTENTS

In addition to the Draft EIR (provided under separate cover), this FEIR includes the following sections:

Section 1:	Introduction and Summary (this section)
Section 2:	Comments on the Draft EIR, and Responses to Comments
Section 3:	Final Mitigation Monitoring and Reporting Program
Section 4:	Notices of Determination
Section 5:	Revised Specific Plan
ATTACHMENT 1:	Correspondence from Parchers Resort
ATTACHMENT 2:	Supplemental Historical Survey (August 2010)